

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

Subfile No(s).

CHTA-002-0003
CHTA-003-0001

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's December 8, 2008 Motion for Default Judgment (Docket No. 9339). The Court, being fully advised, finds that the State's motion is well-taken and should be GRANTED.

The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants named below have been legally served with process or have waived service of summons.
3. The defendants named below have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.
4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System, Section 7, Rito de Tierra Amarilla (January 12, 2001) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants named below in the above-styled and captioned cause are as follows:

**HEIRS OF CARLOTA L. MARTINEZ
HEIRS OF LEVI MARTINEZ
HEIRS OF LUCAS MARTINEZ**

Subfile No.: CHTA-002-0003

A. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water: NONE

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: NONE

Location: X= 0 feet Y= 0 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Within the Tierra Amarilla Grant	1.7 acres
Total	1.7 acres

As shown on the 2001 Hydrographic Survey Map CHTA- 2.

Amount of Water: NONE

**HEIRS OF CARLOTA L. MARTINEZ
HEIRS OF LEVI MARTINEZ
HEIRS OF LUCAS MARTINEZ**

Subfile No.: CHTA-003-0001

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 0430-A

Priority: 1870

Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: LABRIER DITCH

Location: X= 1,557,135 feet Y= 2,064,753 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	9.1 acres
Total	9.1 acres

As shown on the 2001 Hydrographic Survey Map CHTA- 3.

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

B. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water: Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: TIERRA AMARILLA COMMUNITY DITCH

Location: X= 1,557,188 feet Y= 2,064,714 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Within the Tierra Amarilla Grant	1.5 acres
Total	1.5 acres

As shown on the 2001 Hydrographic Survey Map CHTA- 3.

Amount of Water: NONE

IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER